

REMARKS

The present application was filed on October 23, 2003 with claims 1-37. Claims 14 and 16 have been canceled and new claims 38 and 39 have been added. Claims 1-13, 15 and 17-39 are pending, including independent claims 1, 17, 29-31 and 37.

Claims 1-13, 15, 17-35 and 37-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0208120 (hereinafter “Shenoi”) and U.S. Patent No. 6,785,769 (hereinafter “Jacobs”).

Claim 36 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Shenoi, Jacobs and U.S. Patent Application Publication No. 2004/0003080 (hereinafter “Huff”).

Claim 1 includes a limitation directed to satisfying requests so that a client belonging to a high quality-of-service class is given preferential access to data versions which require higher overheads to serve while a client belonging to a low quality-of-service class receives a data version which requires lower overhead to serve. Illustrative embodiments are described in the specification at, for example, page 6, lines 1-18; page 8, lines 14-27; and page 11, line 14, to page 12, line 4, with reference to FIG. 5. Note that different data versions are served to clients belonging to different quality-of-service classes.

The Examiner argues that the aforementioned limitation of claim 1 is taught by Shenoi at paragraph [0117]. See the present Office Action at page 3, second paragraph. The cited portion of Shenoi merely states that “packets are assigned priority levels and ‘high priority’ packets are given preferential treatment.” There is absolutely nothing in Shenoi which suggests that different data versions are served to clients belonging to different quality-of-service classes, much less the specific arrangement recited in claim 1 in which a client belonging to a high quality-of-service class will receive a data version which requires a higher overhead to serve while a client belonging to a low quality-of-service class will receive a data version which requires a lower overhead to serve.

Jacobs fails to remedy this fundamental deficiency of Shenoi. Although Jacobs provides a method for “selecting and serving one of multiple versions of a set of data,” as discussed in, for example, Jacobs at column 1, lines 6-8 and 36-38, Jacobs does not discuss any arrangement in which different data versions are served to clients belonging to different quality-of-service classes, much

less the specific arrangement recited in claim 1 in which a client belonging to a high quality-of-service class will receive a data version which requires a higher overhead to serve while a client belonging to a low quality-of-service class will receive a data version which requires a lower overhead to serve.

Regarding the dependent claims of the present application, it is asserted that they are patentable over the cited references not only due to their dependence of respective ones of the above-mentioned independent claims, but also because such claims recite separately patentable subject matter.

In view of the above, Applicants believe that claims 1-13, 15 and 17-39 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,

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